

## CHAPTER 3.

AN ACT TO AMEND SECTIONS TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), AND EIGHT (8), OF CHAPTER NINETY (90), OF THE GENERAL STATUTES RELATING TO LIENS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2), of chapter ninety (90), of the General Statutes relating to liens, be amended so as to read as follows :

Chapter 90 of general statutes amended.

Lien for labor on materials, on buildings or vessels, by mechanics or sub-contractors.

Section 2. Every mechanic or other person doing or performing any work toward the erection, alteration or repair of any house, mill, manufactory or other building, or appurtenances, or the construction, alteration or repair of any boat, vessel or other water craft, or furnishing any material for the construction, alteration or repair of such building, appurtenances or vessel, whether such work is performed as journyemen, laborer, carman, sub-contractor or otherwise, shall have a lien for the value or contract price of such labor and materials, upon such house, mill, manufactory or other building and appurtenances and upon such boat, vessel or other water craft, together with the right, title or interest, of the person owning such house, mill, manufactory or other building and appurtenances on and to the land upon which the same is situated, not exceeding forty acres, and if erected within the limits of any city, town or village plat, the lot of ground on which said house, mill, manufactory or other building and appurtenances is erected, not exceeding in extent one acre.

SEC. 2. Section three of said chapter shall be amended so as to read as follows :

Section 3. Upon entering into a contract to do any work or furnish any materials for which a lien might accrue under section one (1), of this chapter, if the contractor will enter into a bond with the owner for the use of all persons who may do work or furnish materials pursuant to such contract, conditioned for the payment of all just claims for such work or materials as they become due, (which bond shall be in such an amount not less than the price agreed to be paid for the performance of such contract and with such sureties as shall be approved by the judge of the district court or justices of the peace of the county in which such contract is to be performed) and shall file the same in the office of the register of deeds of the county in which such contract is to be performed, then no lien shall attach in favor of the persons mentioned in section two (2) of this chapter. Such sureties shall justify in double the amount of the bond so given, but

Contractor may give bond to owner for payment of work and materials, releasing lien.

such bond shall not operate to relieve from liability the property upon which such labor or material shall be expended, unless a notice setting forth the existence of such bond be kept conspicuously posted about the premises during the performance of such labor and at the time of furnishing such material.

SEC. 3. Section four (4) of said chapter shall be amended so as to read as follows :

Section 4. A like bond may be made and filed as provided in the foregoing section at any time after the making of such contract and shall have the effect to discharge all such liens as shall have accrued before the filing thereof and to prevent the accruing of any such liens thereafter :

SEC. 4. Section five (5), of said act shall be amended so as to read as follows ..

Section 5. Any person entitled to a lien under the provisions of section two (2) of this chapter shall be considered a party in interest in said bond and may bring an action thereon in his own name for the value or contract price of labor done, or materials furnished under the provisions of the contract with the owner.

SEC. 5. Section six (6), of said chapter shall be amended so as to read as follows :

Section 6. Any person entitled to a lien under the provisions of section two (2), of this chapter shall make an account in writing, of the items of labor, skill, materials or machinery furnished or either of them as the case may be, and the value thereof, and after making oath thereto, shall within sixty days, after the time of performing such labor, or skill, or furnishing such materials or machinery, file the same in the office of the register of deeds of the county in which such labor, skill, materials or machinery have been furnished, which account so made and filed shall be recorded as required in the next section, and shall for one year from the commencement of such labor or the furnishing of such materials operate as a lien upon the several descriptions of structures and buildings, and the lots of ground on which they stand, in the second section of this chapter named. Where any labor has been done or materials furnished as provided on a written contract, the same or a copy thereof shall be filed with the account herein required.

SEC. 6. Section eight (8), of said chapter is amended so as to read as follows :

Section 8. Any person holding a lien under the provisions of the preceding sections may proceed to obtain judgment and enforce the same in the same manner as in actions for the foreclosing of mortgages upon real estate.

SEC. 7. Chapter ninety (90) the General Statutes of one thousand eight hundred and sixty six (1866), is hereby amended by adding thereto the following section which shall be termed section nineteen (19), and shall read as follows :

Bond may be made after work is commenced.

Who may bring actions on the bond.

Itemised bill to be filed with the register of deeds.

Obtaining a judgment on liens.

Section 19. Any contractor or sub-contractor who shall purchase material on credit and represent at the time of said purchase that the same is to be used in a designated building or other improvement and shall thereafter use, or cause to be used, the said material in the construction of any building or improvement other than that designated when purchased, with intent to defraud the person from whom the material was purchased without first having given due notice to the person from whom the material was so purchased, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, at the discretion of the court.

Fraud in the purchase of materials--penalty.

SEC. 8. Chapter ninety (90), of the General Statutes of one thousand eight hundred and sixty-six (1866), is hereby amended by adding thereto the following section, which shall be termed section twenty (20), and shall read as follows:

Section 20. Or if the building or other improvements erected, is constructed of wood or other materials movable from the premises, the court may direct that the same be sold to satisfy such liens, and purchasers may, under the direction of the court, remove such building or improvement from the premises within sixty days after such sale.

Movable buildings or improvements may be sold.

SEC. 9. This act shall take effect, and be in force from and after its passage.

Approved March 12, 1878.

#### CHAPTER 4.

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER EIGHTY-NINE, (89) OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY SIX, (1876), BEING AN ACT FOR PROVIDING A LIEN FOR LABOR UPON LOGS AND TIMBER.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1), of chapter eighty-nine (89) of the General Laws of one thousand eight hundred and seventy-six (1876), be and the same is hereby amended to read as follows:

Lien for labor upon logs or timber takes precedence of all other claims.

Section 1. Any person who may do or perform any manual labor in cutting, banking, driving, rafting, cribbing, or towing any logs or timber in this State, shall have a lien thereon, as against the owner thereof, and all other persons except the State of Minnesota, for the amount due for such services, and the same shall take precedence of all other claims thereon, and any verbal or written agreement expressed or implied made by or between any person or persons or chartered company or companies, designed to act as a waiver of any right under this act, or any portion thereof shall be wholly void. The lien herein created, shall not